

August 28, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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Seattle, Washington 98104
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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2163**
Proposed Ordinance No. **97-350**

SUE K. TRIPP
Petition for Road Vacation

Road: Portions of Mattsons Street and Southwest 222nd Place

Petitioner: Sue K. Tripp
4018 – 31st Avenue West
Seattle, WA 98199

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2163 was received by the Examiner on June 24, 1997.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2163 was opened by the Examiner at 10:00 a.m., Tuesday, July 8, 1997, in Room No. 402 (Snoqualmie Room), King County Court House,

516 Third Avenue, Seattle, Washington, and adjourned at 10:25 a.m. Pursuant to administrative continuance pending receipt of Exhibit No. 32, the hearing record closed on August 25, 1997. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES SUMMARY:

- None

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location:	Portions of Mattsons Street and SW 222 nd Place, Maury Island, Washington
Right-of-way classification:	“C-Class”
Area:	1,521
Compensation:	\$4,844.84

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation’s Report to the King County Hearing Examiner for the July 8, 1997, public hearing and the statement of facts contained in Proposed Ordinance No. 97-350, (April 30, 1997 draft). The adopted reports will be attached to those copies of this report and recommendation which are submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. The original application presented a “landlocking” concern. However, the petition has been revised to resolve that potential problem. See Exhibit No. 14, Attachment 2.

CONCLUSIONS:

1. The road subject to this petition is useless, as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the Report of the Department of Transportation was given as required by law, and a hearing on the Report was conducted by the King County Hearing Examiner on behalf of the Metropolitan King County Council.
3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 97-350 to vacate the subject road.

RECOMMENDED this 28th day of August, 1997.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 28th day of August, 1997, to the following parties and interested persons:

Sue Tripp
4018 – 31st Avenue West
Seattle, WA 98199

Carl Nelson
8010 SW 222nd Place
Vashon, WA 98070

Viacom Cable (Tacoma)
2316 S State Street
Tacoma, WA 98405-2897

Pat Britz
Vashon-Maury Is. CC
Vashon, WA 98070

Jake Jacobovitch
Vashon-Maury Is. CC
Vashon, WA 98070

Puget Sound Energy
Real Est. Dept OBC—11N
Bellevue, WA 98009-9734

KC Fire Dist. #13
P.O. Box 91
Vashon, WA 98070

KC Water Dist. #19
P.O. Box T
Vashon, WA 98070

Vashon Parks Dist.
P.O. Box 1553
Vashon, WA 98070

Cheryl Paras
Washington Natural Gas
3130 South 38th Street
Tacoma, WA 98409

Christine Price
U.S. Communications
1313 E. Columbia
Seattle, WA 98122

METRO Transit
Right-of-Way MS-122
821 Second Avenue
Seattle, WA 98104

Tommy Burdette, KCDOT/Road Services Division
Sharon Claussen, KC Parks & Cultural Resources
Tom Eksten, KC DNR/Open Space Section
Dennis Gorley, KCDOT/Road Services Division
Bill Hoffman, KCDOT/Transportation Planning
Rod Matsuno, KCDOT/Road Services Division

Lisa Pringle, DDES/Land Use Services Division
Gary Samek, KCDOT/Road Services Division
Charlie Sundberg, KC Historical Preservation
Harold Taniguchi, KCDOT/Road Services Division
Arthur Thornbury, Metropolitan King Co. Council
Paul Toliver, Director, KCDOT

Dave Preugschat, KC Property Services Division

Rich Hudson, DDES/LUSD, SEPA Section

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the Metropolitan King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **September 11, 1997**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the Metropolitan King County Council on or before **September 18, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE JULY 9, 1997 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2163 - PETITION FOR ROAD VACATION:

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Sue Tripp/Applicant and Dennis Gorley/KCDOT.

The following exhibits were offered and entered into the hearing record:

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| Exhibit No. 1 | King County Department of Transportation staff report to the King County Hearing Examiner, dated June 23, 1997, prepared for the July 9, 1997 public hearing on transportation file No. V-2163/Tripp, with 18 attachments |
| Exhibit No. 2 | Petition transmittal letter, dated July 30, 1993, from Clerk of the Council, to the Department of Transportation/Road Services Division |
| Exhibit No. 3 | Letter, dated July 29, 1993, from J.Richard Aramburu, to Clerk of the Council |
| Exhibit No. 4 | Copy of front page of the <u>Petition for Vacation of a County Road</u> , Sue Tripp/Petitioner, dated received July 30, 1993 |
| Exhibit No. 5 | Copy of signature page of the <u>Petition for Vacation of a County Road</u> , Sue Tripp/Petitioner, dated received July 30, 1993 |
| Exhibit No. 6 | Legal description of proposed vacation area |

- Exhibit No. 7 Copy of check for non-refundable filing fee, dated July 29, 1993, from J. Richard Aramburu, to Clerk of the Council. Re: street vacation application/Tripp
- Exhibit No. 8 Copy of dedication page for the plat of Mattsons First Addition to Portage
- Exhibit No. 9 Map of dedicated Mattsons Street
- Exhibit No. 10 Copy of dedication page for the plat of Portage 1st Addition
- Exhibit No. 11 Map of dedicated (Prospect Street) Southwest 222nd Place
- Exhibit No. 12 Vicinity map
- Exhibit No. 13 Copy of map of original proposed vacation area
- Exhibit No. 14 Copy of map of the revised vacation area
- Exhibit No. 15 Letter, dated June 14, 1994, from KCDOT, to Clerk of the Council
- Exhibit No. 16 Letter, dated June 29, 1994, from KCDOT, to Sue Tripp, c/o J. Richard Aramburu, identifying amount of compensation
- Exhibit No. 17 Letter, dated June 29, 1994, from KCDOT, to Carl Nelson, identifying amount of compensation
- Exhibit No. 18 Letter, dated June 29, 1994, from KCDOT, to John Hanson, identifying amount of compensation
- Exhibit No. 19 Letter, dated September 8, 1994, from Sue Tripp, to KCDOT, amending legal description
- Exhibit No. 20 Letter, dated March 19, 1996, from KCDOT, to Sue Tripp, identifying revised amount of compensation
- Exhibit No. 21 Letter, dated March 20, 1996, from Jerold O'Hare/Land Surveyor, to Sue Tripp, re: location of water line
- Exhibit No. 22 Letter, dated April 21, 1996, from Sue Tripp, to KCDOT, re: Carl Nelson involvement
- Exhibit No. 23 Letter, dated April 23, 1996, from KCDOT, to Sue Tripp, identifying the revised amount of compensation
- Exhibit No. 24 Road vacation worksheet, V-2163.xls revised, dated April 18, 1996
- Exhibit No. 25 Letter, dated March 25, 1997, from Sue Tripp, to KCDOT, transmitting compensation fee
- Exhibit No. 26 Copy of compensation check, dated March 25, 1997, from Sue Tripp, to King County Office of Finance, in the amount of \$4,844.84
- Exhibit No. 27 King County Cash Transmittal and Receipt form for petitioner's compensation check
- Exhibit No. 28 Letter, dated June 9, 1997, from King County Executive, to King County Council Chair, re: road vacation ordinance
- Exhibit No. 29 Copy of proposed ordinance no. 97-350, dated April 30, 1997
- Exhibit No. 30 KCDOT Notice of Hearing, with map
- Exhibit No. 31 Affidavit of posting on June 16, 1997, subscribed and sworn June 18, 1997
- Exhibit No. 32 Affidavit of Publication

RST:var/gb

Attachments

vacations\V-21\V-2163\Tripp\report